



APPROVED APC HEARING BOARD
DATE: August 5, 2024
BY: [Signature]
Board Secretary

togetherforbetter

Minutes

Regular Meeting of the Clark County Air Pollution Control Hearing Board

February 4, 2026

**Clark County Building Services
Presentation Room
4701 West Russell Road
Las Vegas, NV**

1. CALL TO ORDER

Chair Sanders called the meeting of the Air Pollution Control Hearing Board to order at the hour of 1:30 p.m. A quorum was present, and Affidavits of Posting of the agenda were provided as required by the Nevada Open Meeting Law. The Affidavits will be incorporated into the official record.

PRESENT: Daniel Sanders, Chair
Daniel Bartlett
Donald Bordelove
Troy Hildreth

ABSENT: Ryan L. Dennett, Vice-Chair
Amy Lahav

**HEARING BOARD
COUNSEL:** Nichole Kazimirovicz, Deputy District Attorney

DAQ STAFF: Marci Henson, Director
Shibi Paul, Deputy Director
Anna Sutowska, Compliance Manager
Sheenaleigh Lucas, Sr. Air Quality Specialist

**DEPARTMENT
COUNSEL:** Timothy J. Allen, Deputy District Attorney

2. PUBLIC COMMENT

Chair Sanders asked if there were any persons present in the audience wishing to be heard. There being no one, Chair Sanders closed the public comments.

3. APPROVAL OF MINUTES OF THE DECEMBER 3, 2025, MEETING (For possible action)

Chair Sanders called for comments, changes, or corrections to the December 3, 2025 minutes. Being none, he called for a motion.

FINAL ACTION: It was moved by Board Member Hildreth, seconded by Board Member Bartlett, that the subject minutes be approved.

Motion carried by the following vote:

Voting Aye: Daniel Sanders, Daniel Bartlett, Donald Bordelove, Troy Hildreth
Voting Nay: None
Abstaining: None
Absent: Ryan Dennett, Amy Lahav

4. ACCEPT HEARING BOARD ORDERS

Review competing hearing board orders from hearing conducted on December 3, 2025, in the matter of Notice of Violation #10161 issued to Tonopah & Tidewater Railroad Co., Environmental Transportation of Nevada, LLC d/b/a ETON, and Mitchell Truman (Assessor's Parcel Numbers 161-07-103-014, 161-07-103-015, and 161-07-103-016), and decide which proposed orders, or parts thereof, to accept.
(For possible action)

Attorney Russell Gubler, representative for appellants, was not in attendance, but had submitted a competing hearing board order for consideration by the Board.

FINAL ACTION: It was moved by Board Member Sanders, seconded by Board Member Bartlett, to approve the Hearing Board Order, in its original form, as submitted by Air Quality from the December 3, 2025, meeting in the matter of Notice of Violation #10161 issued to Tonopah & Tidewater Railroad Co., Environmental Transportation of Nevada, LLC d/b/a ETON, and Mitchell Truman.

Motion carried by the following vote:

Voting Aye: Daniel Sanders, Daniel Bartlett, Donald Bordelove, Troy Hildreth
Voting Nay: None
Abstaining: None
Absent: Ryan Dennett, Amy Lahav

5. APPEAL OF HEARING OFFICER DECISION**A. PALM PROPERTIES, LLC AND ROBERT LAUER (APNs: 161-08-810-082 and 161-08-810-083)**

NOV #10150 – On July 17, 2025, the Hearing Officer found Palm Properties, LLC and Robert Lauer, individually, in violation of Section 92.3.1 for operating an unpaved parking lot/storage yard on the property from January 9, 2025, through February 7, 2025, as identified by Air Quality Specialist Allan Gutierrez while performing a routine inspection on September 18, 2024, and follow-up inspections on November 19, 2024, December 5, 2024, and January 9, February 24, and March 18, 2025, at the unpaved parcels of land (Assessor's Parcel Numbers 161-08-810-082 and 161-08-810-083) located at 3125 South Nellis Boulevard, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$7,500.00. Respondents appealed.

Continued from 12/3/2025

Conduct Hearing and Render Decision
(For possible action)

Attorneys for both parties introduced themselves.

Amy Sugden, State Bar No. 9983, 375 East Warm Springs, Suite 104, Las Vegas, NV 89119, Attorney for the Respondents, Palm Properties, LLC, Leading Edge Ventures, LLC, and Robert Lauer.

Timothy Allen, Deputy District Attorney, State Bar No. 14818, 500 South Grand Central Parkway, Las Vegas, NV 89155, Attorney for Clark County Department of Environment and Sustainability, Division of Air Quality (Air Quality).

Ms. Sugden requested to consolidate both NOVs #10150 and #10163.

Chair Sanders swore the following person in to provide testimony:

Robert Lauer, 3125 S. Nellis Blvd., Las Vegas, NV 89121

Ms. Sugden presented her client's case.

Mr. Allen presented Air Quality's case for NOVs #10150 and #10163.

Chair Sanders swore the following people in to provide testimony:

Allan Gutierrez, Air Quality Specialist, Dust Section

Anna Sutowska, Air Quality Compliance Manager, Compliance & Enforcement Section

Mr. Allen and Ms. Sugden questioned both witnesses.

Mr. Allen requested Exhibit AA – NOFA Request APNs email from Jennifer Ammerman dated May 21, 2025, be submitted as additional evidence.

The Board accepted the exhibit for the record.

General discussion ensued amongst the Board.

FINAL ACTION: It was moved by Board Member Sanders, seconded by Board Member Bartlett, to deny the appeals and affirm the Hearing Officer Orders in the matter of NOVs #10150 and #10163 as they relate to the findings of violation.

Motion carried by the following vote:

Voting Aye:	Daniel Sanders, Daniel Bartlett, Donald Bordelove, Troy Hildreth
Voting Noe:	None
Abstaining:	None
Absent:	Ryan Dennett, Amy Lahav

FINAL ACTION: It was moved by Board Member Sanders, seconded by Board Member Hildreth, to modify the Hearing Officer Orders as to the penalty assessed. An administrative penalty of fifteen thousand and no/100 dollars (\$15,000.00) was assessed in the matter of NOV #10150. An administrative penalty of fifteen thousand and no/100 dollars (\$15,000.00) was assessed in the matter of NOV #10163 with the full amount of \$15,000.00 to be held in abeyance for 180 days. If appellants sufficiently pave the property or discontinue use of the property as an unpaved parking lot or storage yard by August 3, 2026, the penalty that is held in abeyance shall be waived. If appellants continue to use the property as an unpaved parking lot or storage yard after August 3, 2026, the penalty that is held in abeyance will be due.

Motion carried by the following vote:

Voting Aye:	Daniel Sanders, Daniel Bartlett, Donald Bordelove, Troy Hildreth
Voting Noe:	None
Abstaining:	None
Absent:	Ryan Dennett, Amy Lahav

B. PALM PROPERTIES, LLC AND ROBERT LAUER (APNs: 161-08-810-082 and 161-08-810-083)

NOV #10163 – On July 17, 2025, the Hearing Officer found Palm Properties, LLC and Robert Lauer, individually, in violation of Section 92.3.1 for operating an unpaved parking lot/storage yard on the property from February 8, 2025, through March 9, 2025, as identified by Air Quality Specialist Allan Gutierrez while performing follow-up inspections on January 9, February 24, March 18, April 2, and May 6, and May 27, 2025, and a complaint investigation on April 15, 2025, at the unpaved parcels of land (Assessor's Parcel Numbers 161-08-810-082 and 161-08-810-083) located at 3125 South Nellis Boulevard, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$7,500.00. Respondents appealed.

Continued from 12/3/2025

Conduct Hearing and Render Decision
(For possible action)

Attorneys for both parties introduced themselves.

Amy Sugden, State Bar No. 9983, 375 East Warm Springs, Suite 104, Las Vegas, NV 89119, Attorney for the Respondents, Palm Properties, LLC, Leading Edge Ventures, LLC, and Robert Lauer.

Timothy Allen, Deputy District Attorney, State Bar No. 14818, 500 South Grand Central Parkway, Las Vegas, NV 89155, Attorney for Clark County Department of Environment and Sustainability, Division of Air Quality (Air Quality).

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Anna Sutowska, Air Quality Compliance Manager, Compliance & Enforcement Section

Mr. Allen and Ms. Sugden questioned both witnesses.

Mr. Allen requested Exhibit AA – NOFA Request APNs email from Jennifer Ammerman dated May 21, 2025, be submitted as additional evidence.

The Board accepted the exhibit for the record.

General discussion ensued amongst the Board.

FINAL ACTION: It was moved by Board Member Sanders, seconded by Board Member Bartlett, to deny the appeals and affirm the Hearing Officer Orders in the matter of NOVs #10150 and #10163 as they relate to the findings of violation.

Motion carried by the following vote:

Voting Aye:	Daniel Sanders, Daniel Bartlett, Donald Bordelove, Troy Hildreth
Voting Noe:	None
Abstaining:	None
Absent:	Ryan Dennett, Amy Lahav

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assessed in the matter of NOV #10163 with the full amount of \$15,000.00 to be held in abeyance for 180 days. If appellants sufficiently pave the property or discontinue use of the property as an unpaved parking lot or storage yard by August 3, 2026, the penalty that is held in abeyance shall be waived. If appellants continue to use the property as an unpaved parking lot or storage yard after August 3, 2026, the penalty that is held in abeyance will be due.

Motion carried by the following vote:

Voting Aye:	Daniel Sanders, Daniel Bartlett, Donald Bordelove, Troy Hildreth
Voting Noe:	None
Abstaining:	None
Absent:	Ryan Dennett, Amy Lahav

6. REPORT BY DEPARTMENT OF ENVIRONMENT & SUSTAINABILITY STAFF

A. General Update

DISCUSSION: Director Marci Henson gave an update on the activities of the Department of Environment and Sustainability for the period of July 1, 2025 through December 31, 2025. Ms. Henson also reported that Anna Sutowska had been promoted to the position of Compliance Manager for the department.

7. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY THE BOARD AT FUTURE MEETINGS

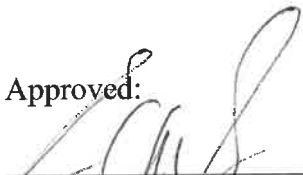
There were no emerging issues identified by the Board.

8. PUBLIC COMMENT

Chair Sanders asked if there were any persons present in the audience wishing to be heard. There being no one, Chair Sanders closed the public comments.

9. ADJOURNMENT

Being no further business, Chair Sanders adjourned the meeting at 3:58 p.m.

Approved: 

Daniel Sanders, Chair



Date